

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

DAN WEAVER, on behalf of himself and)
all others similarly situated,)

Plaintiff,)

v.)

LABEL HOSPITALITY GROUP, LLC)
d/b/a ROOSTER’S RESTAURANT BAR)
AND GRILL and EREZ SUKARCHI,)
individually,)

Defendants.)

C/A: 4:15-cv-03456-RBH

**RULE 16(a)(1)
ORDER**

Plaintiff, Dan Weaver (“Plaintiff”), on his behalf and on behalf of employees similarly situated, including all opt-in Plaintiffs , (collectively, “Plaintiffs”) and Defendants Label Hospitality Group, LLC d/b/a Rooster’s Restaurant Bar and Grill (“Rooster’s”) and Erez Sukarchi (“Sukarchi”), (collectively “Defendants”), have jointly moved for an Order, pursuant to FRCP 16(a)(1), to stipulate to certain issues in an effort to streamline this action. Defendants have negotiated a compromise in which each is giving up certain rights, but each believes it is best for them in proceeding with this action. Plaintiffs and Defendants agree to the following, thus:

IT IS ORDERED:

1. Plaintiffs’ Third Cause of Action alleging violation of the South Carolina Payment of Wages Act is dismissed.

2. In exchange for this dismissal, Defendants consent that Plaintiffs have, under their current first cause of action alleging violations of the FLSA, as an additional, available remedy to them, the ability to recover all tips he or she contributed to the one Tip Pool. This remedy is

outlined in Fact Sheet #15 from the Wage & Hour Division of the U.S. Department of Labor. This remedy, pursuant to this compromise and joint motion, is available for actual damages under the burden of proof of actual damages under the FLSA. This remedy is in addition to all other remedies available to Plaintiffs under the FLSA.

3. Neither this motion nor any of its content will be admissible to the jury.

IT IS SO ORDERED.

February 3, 2017
Florence, South Carolina

s/ R. Bryan Harwell
R. Bryan Harwell
United States District Judge